

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ABC MORTGAGE CORPORATION
f/k/a JOHN G. MACLEOD
d/b/a ABC MORTGAGE COMPANY,

Plaintiff

v.

Civil Action No. 04-10816-MLW

SCOTTSDALE INSURANCE COMPANY,
Defendant

**DEFENDANT SCOTTSDALE INSURANCE COMPANY'S MOTION TO
BIFURCATE THE CHAPTER 93A CLAIM AND TO STAY
DISCOVERY AND REQUEST FOR HEARING**

Pursuant to Fed. R. Civ. P. 42(b) and the inherent power of this Court, the defendant Scottsdale Insurance Company ("SIC") hereby moves the court to bifurcate Count I (Declaratory Judgment) and Count II (Breach of Contract) of the Complaint from Count III (Violation of G.L. c. 93A) and to stay all discovery in this action pending resolution of the summary judgment motion that it has filed in this action. In support of this motion, the defendant SIC has filed a memorandum of law. SIC requests a hearing on this motion.

SCOTTSDALE INSURANCE CO.

By its attorneys,

/s/ George C. Rockas

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CERTIFICATE OF SERVICE

I, George C. Rockas, hereby certify that on February 15, 2006, I electronically filed the foregoing *Defendant Scottsdale Insurance Company's Motion to Bifurcate the Chapter 93A Claim and to Stay Discovery and Request for Hearing* and caused to be served a courtesy copy of the same to counsel of record by mailing the same via first class mail, postage prepaid, to the following:

Kerry D. Florio, Esq.
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28 State Street
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/s/ George C. Rockas
George C. Rockas